

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 William Henry Harlan,
5 Petitioner

2:15-cv-00799-JAD-PAL

Order

6 v.

7 Brian E. Williams, et al.,
8 Respondents
9

10 In this mixed-petition case, I previously gave pro se petitioner William
11 Harlan three options: (1) dismiss the unexhausted grounds in his petition and
12 proceed with the exhausted grounds; (2) dismiss the case and return to state court
13 to exhaust the unexhausted grounds; or (3) file a motion with me to stay and abey
14 the exhausted claims while he returns to state court to exhaust his unexhausted
15 claims.¹ Harlan chose the second option,² but he also asked me to “present him with
16 a letter or motion notifying the lower court that he has been allowed to return to
17 start his habeas petition over [and that c]onfirmation [is] necessary due to the fact
18 that at this point [he] is legally time-barred from state court.”³ In light of Harlan’s
19 request, it is not clear that he understands the implications of dismissing this
20 petition without prejudice, so I will give Harlan one more chance to consider his
21 options so he can be sure of his decision.

22 Harlan is advised that I can’t provide him with the letter he requests or
23 direct the state court to consider his state habeas petition to be timely. I also advise
24

25 ¹ ECF No. 15.

26 ² ECF No. 19.

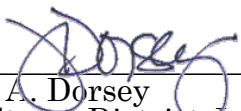
27 ³ *Id.*
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1 Harlan to review the limitations periods for filing federal habeas petitions, which
2 can be found in 28 U.S.C. § 2244(d), because those limitations periods may have a
3 direct and substantial effect on whatever he choice he makes regarding his petition.

4 Accordingly, IT IS HEREBY ORDERED that Harlan has **until December 4,**
5 **2017, to advise the court whether he still wishes to dismiss his petition without**
6 **prejudice or whether he would prefer to change his mind and select option one or**
7 **three.**

8 The **Clerk of Court** is directed to **SERVE** Harlan with a copy of my
9 September 29, 2016, order⁴ along with a copy of this order.

10 DATED: November 1, 2017.

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12 _____
13 Jennifer A. Dorsey
14 United States District Judge
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27 _____
28 ⁴ ECF No. 15.